

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6452**

**BILL NUMBER: SB 80**

**DATE PREPARED:** Feb 16, 2001

**BILL AMENDED:** Feb 15, 2001

**SUBJECT:** DNA and Rape Prosecutions.

**FISCAL ANALYST:** Mark Goodpaster

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**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill allows a prosecution for a Class B or Class C felony that would otherwise be barred by the statute of limitations to be commenced within one year of the date that the offender is first identified with DNA evidence. It allows a prosecution to be brought before July 1, 2002, if the offender was first identified with DNA evidence after the date on which prosecution was barred by the statute of limitations and before July 1, 2001.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** (Revised) If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists on the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

DNA testing has made advances within the last ten years that allow increasingly smaller amounts of evidence at crime scenes to be compared with evidence from either DNA samples maintained in the Indiana DNA Data Base or a criminal suspect's DNA profile. The Indiana DNA Data Base is a collection of almost 20,000 DNA samples of offenders who have been convicted of either violent crimes, burglary, or child solicitation.

The following shows the possible sentences for Class B and C felonies:

| <b>Felony Class</b> | <b>Minimum</b> | <b>Presumptive</b> | <b>Maximum</b> |
|---------------------|----------------|--------------------|----------------|
| B                   | 6 years        | 10 years           | 20 years       |
| C                   | 2 years        | 4 years            | 8 years        |

If convictions occur due to these new prosecutions, more offenders may be incarcerated as a result. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) The costs associated with this bill will depend on how often evidence concerning unsolved felonies becomes available and also how often prosecuting attorneys decide to prosecute these cases that are over five years old. The criminal defendant may also request evidence preserved from a crime scene to be analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant or by the county if the defendant is indigent.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana State Police.

**Local Agencies Affected:** Trial courts, prosecuting attorney.

**Information Sources:** Steve Johnson, Indiana Prosecuting Attorneys Council; Eric Lawrence, Director of Forensic Analysis, Indiana State Police, 1999 Indiana State Police Annual Report.